

MURLENE J. RANDLE, State Bar #98124
 R. WILLIAM REED, *Of Counsel*, State Bar #261931
 LAW OFFICES OF M. J. RANDLE
 235 Montgomery Street, Suite 716
 San Francisco, CA 94104
 Telephone: (415) 352-0189
 Facsimile: (415) 352-0187
 E-Mail: murlene@randlelawoffices.com

Attorneys for the Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AARON C. STEVENSON, KEVIN D.
 TAYLOR, KEVIN W. SMITH, AUDRY LEE,
 and KIRK W. RICHARDSON,

Plaintiffs,

v.

THE CITY AND COUNTY OF SAN
 FRANCISCO, THE SAN FRANCISCO FIRE
 DEPARTMENT, THE SAN FRANCISCO
 FIRE COMMISSION, and THE CIVIL
 SERVICE COMMISSION OF SAN
 FRANCISCO,

Defendants.

Case No. CV 11 4950 MMC

**[PROPOSED] ORDER GRANTING
 ADMINISTRATIVE MOTION FOR LEAVE
 TO FILE: (1) PORTIONS OF PLAINTIFFS'
 MOTION FOR TERMINATING SANCTIONS,
 OR, IN THE ALTERNATIVE, LESSER
 SANCTIONS, AGAINST DEFENDANTS FOR
 THEIR INTENTIONAL SPOILIATION OF
 RELEVANT EVIDENCE; AND (2) CERTAIN
 EXHIBITS, AND PORTIONS OF CERTAIN
 EXHIBITS, UNDER SEAL**

Hearing Date: ~~September 11, 2015~~
 Hearing Time: 9:00 a.m.

Place: Federal Courthouse (NDCA)
 450 Golden Gate Avenue
 San Francisco, CA 94102
 Courtroom 7, 19th Floor

Hearing Judge: Hon. Maxine M. Chesney

Date Action filed: October 6, 2011
 Trial Date: January 11, 2016

ORDER

Plaintiffs' motion to file documents under seal in connection with their spoliation motion came before the court at 9:00 a.m. on September 11, 2015, in Courtroom 7 of the above captioned Court before the Honorable Maxine M. Chesney. Murlene J. Randle appeared on behalf of the Plaintiff and Deputy City Attorney Jonathan Rolnick appeared on behalf of the Defendants.

The Plaintiffs filed an administrative motion pursuant Local Rule 79-5(e). The Defendants filed a Declaration under subsection 79-5(d)(1)(A) on August 14, 2015, as required by Rule 79-5(e), establishing that all of the designated material is sealable.

GOOD CAUSE HAVING BEEN FOUND, pursuant to the Rule 79-5(d)(1)(A) Declaration, and any oral argument taken, IT IS HEREBY ORDERED that the Plaintiffs' administrative motion for leave to file portions of Plaintiffs' motion for terminating sanctions, or, in the alternative, lesser sanctions, against Defendants for their intentional spoliation of relevant evidence (Exhibit 1), certain exhibit, and portions of certain exhibits, is GRANTED as follows:

Exhibit 2	Portions of the Plaintiffs' Motion for Terminating Sanctions, or, In The Alternative, Lesser Sanctions, Against the Defendants for Their Intentional Spoliation of Relevant Evidence	Granted: <u> x </u> Denied: _____
Exhibit 3	Excerpts of David B. Johnson's January 21, 2015 Deposition Transcript	Granted: <u> x </u> Denied: _____
Exhibit 4	The Rater Manual Staff PUBLIC SAFETY TEAM H-50 Assistant Chief Fire Scene Simulation Exercise September 2010,"	Granted: <u> x </u> Denied: _____

Exhibit 5	The (1) transcript of candidate 5001's oral responses to each scenario of the Fire Scene Simulation Exercise; (2) the Answer Keys for each Fire Scene Simulation Exercise scenario; and (3) the Record of Scores of candidate 5001 for each Fire Scene Simulation Exercise scenario	Granted: <u> x </u> Denied: _____
Exhibit 6	The (1) the documentation portion of candidate 5001 for the Supervision / Training Performance Exercise, (2) a blank Supervision / Training Performance Exercise Scoring Key, and (3) the Supervision / Training Performance Exercise Record of Scores completed by the raters for candidate 5001	Granted: <u> x </u> Denied: _____
Exhibit 7	The Rebuttal Declaration of Arthur Gutman, Ph.D., of Expert Report by Cristina Banks, Ph.D	Granted: <u> x </u> Denied: _____
Exhibit 8	Expert Report of Arthur Gutman, Ph.D. (Validity)	Granted: <u> x </u> Denied: _____
Exhibit 9	Portions of Plaintiff Kevin D. Taylor's Amended Response To Defendant's Special Interrogatories, Set Three	Granted: <u> x </u> Denied: _____
Exhibit 10	Portions of Plaintiffs' Analysis and Review Regarding The 2010 H-50 Assistant Chief Promotional Examination	Granted: <u> x </u> Denied: _____

Exhibit 11	A revised section of the Plaintiffs' Analysis and Review Regarding The 2010 H-50 Assistant Chief Promotional Examination related to the "Initial Response: Communications" dimension of the High-Rise Scoring Key, and associate pie charts for the High-Rise section and pie chart that reflects the incorrect response anchors for all four fire scene scenarios	Granted: <u> x </u> Denied: _____
Exhibit 12	Excerpts of Cristina G. Bank's, Ph.D., June 29, 2015 Deposition Transcript	Granted: <u> x </u> Denied: _____
Exhibit 13	Excerpts of Chief Patrick Gardner's January 13, 2015 Deposition Transcript and exhibits one, two, three, and twelve	Granted: <u> x </u> Denied: _____
Exhibit 14	Excerpts of Chief Arthur Kenney's December 17, 2014 Deposition Transcript and exhibits four & six	Granted: <u> x </u> Denied: _____

IT IS SO ORDERED.

Dated: August 24, 2015


Hon. Maxine M. Chesney
District Court Judge